

bling deaf persons and those suffering from impaired hearing to hear normally, whereas the device was not effective for such purposes.

DISPOSITION: March 17, 1954. Default decree of condemnation and destruction.

4359. Misbranding of Miracle hearing aid. U. S. v. 39 Devices * * *. (F. D. C. No. 35369. Sample No. 59523-L.)

LABEL FILED: July 31, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: The devices were shipped on or about April 6, 1953, or on other dates unknown, by the Miracle Hearing Aid Co., from Newark, N. J., to Miami, Fla., consigned to A. E. Komes, and were thereafter reshipped by A. E. Komes from Miami, Fla., to Aurora, Ill.

PRODUCT: 39 devices called the *Miracle hearing aid* at Aurora, Ill. The device consisted of a piece of wire, twisted into the shape of a miniature tuning fork, and rubber discs with perforated centers into which the wire was to be inserted.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in an accompanying circular entitled "Sensational, New Miracle Hearing Aid" were false and misleading. The statements represented and suggested that the device provided an adequate and effective aid to auditory acuity of deaf persons, whereas the device did not provide an adequate and effective aid to the auditory acuity of deaf persons. The device was misbranded when introduced into and while in interstate commerce and while held for sale after shipment in interstate commerce.

DISPOSITION: September 24, 1953. Default decree of condemnation. The court ordered that the devices be turned over to the Food and Drug Administration.

DRUG FOR VETERINARY USE

4360. Misbranding of udder ointment. U. S. v. 9 Cases * * *. (F. D. C. No. 36064. Sample No. 83262-L.)

LABEL FILED: October 28, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 17, 1953, by the Peerless Serum Co., from Kansas City, Mo.

PRODUCT: 9 cases, each containing 12 jars, of udder ointment at Chicago, Ill.

LABEL, IN PART: (Jar) "Udder Ointment 1 lb. net wt. Contains: Phenol, Methyl Salicylate, Oil Eucalyptus, Turpentine, Lanolin, Petrolatum, Biebrich Scarlet * * * Dosage For local application of non-tubercular inflammations of the udder of both cows and mares."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article, namely, the jar label, contained statements which represented and suggested that the article was an adequate and effective treatment for mastitis of cows and mares, which statements were false and misleading since the article was not an adequate and effective treatment for such conditions.

DISPOSITION: February 9, 1954. Default decree of condemnation and destruction.

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

4361-4380

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C. April 26, 1955.

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**DRUGS REQUIRING CERTIFICATE OR RELEASE, FOR WHICH NONE
HAD BEEN ISSUED**

4361. Misbranding of penicillin G potassium tablets. U. S. v. 39 Bottles, etc. (F. D. C. No. 36452. Sample Nos. 52959-L, 52960-L.)

LIBEL FILED: March 16, 1954, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 20, 1953, from Terre Haute, Ind.

PRODUCT: *Penicillin G potassium tablets.* 39 100-tablet bottles and 60 1,000-tablet bottles of 50,000-unit tablets and 19 100-tablet bottles and 35 1,000-tablet bottles of 100,000-unit tablets at Woodside, N. Y., in possession of Henry Schein Physicians & Hospital Supplies.

RESULTS OF INVESTIGATION: The tablets were shipped in bulk from Terre Haute, Ind., and upon their receipt by the consignee, were repackaged and relabeled.

LABEL, IN PART: (Bottle) "Buffered Penicillin Tablets Crystalline G Potassium."

NATURE OF CHARGE: Misbranding, Section 502 (1), the article purported to be and was represented as a drug composed wholly or partly of a kind of penicillin, and it was not from a batch with respect to which a certificate or release had been issued pursuant to the law. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: April 19, 1954. Henry Schein, Woodside, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of obtaining certification from the Food and Drug Administration and for relabeling the product.

4362. Misbranding of penicillin-dihydrostreptomycin bougies. U. S. v. 65 Vials, etc. (F. D. C. No. 36176. Sample Nos. 83393-L, 83394-L.)

LIBEL FILED: December 8, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about January 26 and September 22, 1953, by Veta-Vite Products, Inc., from Buffalo, N. Y.

PRODUCT: *Penicillin-dihydrostreptomycin bougies.* 65 vials and 11 packages, each vial and package containing 25 bougies, at Minneapolis, Minn.

NATURE OF CHARGE: Misbranding, Section 502 (1), the article purported to be and was represented as a drug composed partly of penicillin and streptomycin, and it was not from a batch with respect to which a certificate or release had been issued pursuant to Section 507; and no such certificate or release was in effect with respect to the article.

DISPOSITION: March 8, 1954. Default decree of destruction.

VIOLATIVE SALES OF PRESCRIPTION DRUGS

4363. Misbranding of penicillin G potassium, dihydrostreptomycin sulfate, penicillin G potassium tablets, secobarbital sodium capsules, and tablets containing a mixture of sulfathiazole, sulfadiazine, and sulfamerazine. U. S. v. Orville Jackson (Eagle Drug Store). Plea of nolo contendere. Sentence of 1 hour's imprisonment suspended. (F. D. C. No. 35760. Sample Nos. 76131-L to 76135-L, incl.)

INFORMATION FILED: January 26, 1954, District of Idaho, against Orville Jackson, trading as Eagle Drug Store, Eagle, Idaho.